

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Honorable Brian D. Lynch
Chapter 7
Location: Tacoma

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re:

No. 19-42935

JASON ALLAWAY,

Debtor.

KATHRYN A. ELLIS, Chapter 7 Trustee of
the Estate of Jason Allaway,

Adv. No.

Plaintiff,

STIPULATION

vs.

KYONGI ALLAWAY,

Defendant.

COME NOW the parties, Plaintiff, Kathryn A. Ellis, and Defendant Kyongi Allaway, and stipulate and agree as follows:

1. Plaintiff, Kathryn A. Ellis, is the duly appointed and acting Chapter 7 Trustee in the Chapter 7 Bankruptcy Petition of the debtor above named.

2. The debtor, Jason Allaway, filed the present Chapter 7 Bankruptcy Petition on September 12, 2019.

3. Defendant Kyongi Allaway resides in the State of Washington, County of Pierce.

4. On or about February 2, 2015, the debtor and Defendant, as husband and wife, acquired the property located at 13020 116th Ave Ct E, Puyallup, WA (APN 6026101200) by Statutory Warranty Deed. The property referred to above is hereinafter referred to as "The

KATHRYN A. ELLIS PLLC
5506 6th Ave S
Suite 207
Seattle, WA 98108
(206) 682-5002

STIPULATION - 1

Property”.

5. The estate of the debtor and Defendant hold an undivided interest in The Property.

6. The Property is encumbered by mortgages that exceed its value. Defendant consents to the sale, including the short sale, of The Property.

7. The Property is not capable of partition or partition is impracticable.

8. Sale of the bankruptcy estate's undivided interest in The Property would realize significantly less for the bankruptcy estate than would sale of The Property free and clear of the interest of Defendant.

9. The benefit to the bankruptcy estate of a sale of The Property free and clear of Defendant's interest outweighs the detriment, if any, to Defendant.

10. The Property is not used in the production, transmission or distribution, for sale, of electric energy or of natural or synthetic gas for heat, light or power.

11. Plaintiff is therefore entitled to an order, pursuant to 11 U.S.C. § 363 (h), authorizing the sale of both the bankruptcy estate's interest and Defendant's interest in The Property.

12. The amount of Defendant's undivided interest is zero, as The Property is over-encumbered.

SO STIPULATED this 29th day of June, 2020.

/s/ Kathryn A. Ellis
Kathryn A. Ellis, Plaintiff

/s/ Kyongi Allaway
Kyongi Allaway, Defendant

C:\Shared\OneDrive - Kathryn A Ellis\Shared\KAE\Dox\TRUSTEE\Allaway\cmp\363\Stipulation.wpd

STIPULATION - 2

KATHRYN A. ELLIS PLLC
5506 6th Ave S
Suite 207
Seattle, WA 98108
(206) 682-5002